

2992. Misbranding of Gold-N-Medal Foot Balm. U. S. v. Edward N. Golden (Golden Boy Distributing Co.), and Dorothy D. Dickstein (Dorothy D. Golden). Pleas of guilty. Imposition of sentence suspended and defendants placed on probation for one year. (F. D. C. No. 26751. Sample No. 13668-K.)

INFORMATION FILED: October 19, 1949, Middle District of Pennsylvania, against Edward N. Golden, trading as the Golden Boy Distributing Co., Brooklyn, N. Y., and Dorothy D. Dickstein, also known as Dorothy D. Golden, who was associated with Edward N. Golden in the conduct of the business.

INTERSTATE SHIPMENT: On or about July 12, 1949, from Brooklyn, N. Y., to Wilkes-Barre, Pa.

LABEL, IN PART: "The Gold-N-Medal Foot Balm Contains Lanolin, Stearic Acid, Camphor, Menthol, Methyl Salicylate And Eucalyptus Oil * * * Distributed By The Golden Boy Dist. Co. 85 Walton St., Brooklyn, N. Y."

ALLEGED VIOLATION: On or about July 26, 1949, while the article was held for sale after shipment in interstate commerce, the defendants, at a demonstration held at Wilkes-Barre, Pa., prescribed, recommended, and suggested by oral statements, uses of the article for various diseases, symptoms, and conditions mentioned, for which adequate directions for use did not appear in the labeling of the article, which acts resulted in the article being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of arthritis, neuritis, sciatica, rheumatic aches and pains, varicose veins, shoulder pains, any ache and pain, ingrown toe nails, eczema, skin rash, and blemishes, which were the diseases, symptoms, and conditions for which the article was prescribed, recommended, and suggested by the defendants, as indicated above.

DISPOSITION: On November 17, 1949, a consent was filed by the defendants to the transfer of the case to the Southern District of New York for plea and sentence. Thereafter, pleas of guilty were entered by the defendants, and on January 24, 1950, the court suspended the imposition of sentence and placed the defendants on probation for 1 year.

2993. Misbranding of X-ray device. U. S. v. 1 Device * * * (and 1 other seizure action). (F. D. C. Nos. 25979, 26030. Sample Nos. 25514-K, 26980-K.)

LABELS FILED: November 2 and 12, 1948, District of Minnesota and Eastern District of Missouri.

ALLEGED SHIPMENT: 1 device was shipped on or about March 27, 1946, by J. S. Peterson, from Chicago, Ill., and another device was shipped on or about October 30, 1946, by Keat, Inc., from Chicago, Ill. In addition, a number of circulars were shipped by the latter firm during July 1947.

PRODUCT: 1 *X-ray device* at St. Louis, Mo., and 1 *X-ray device*, together with a number of circulars entitled "Vienna Brings You a New Discovery," at Minneapolis, Minn. Examination showed that the device was an X-ray machine consisting of a Fischer Control Stand, a transformer, and an X-ray tube.

LABEL, IN PART: (On cabinet) "Fischer Type R. Amp 12 Cycle 60 Volts 110 No. 27462" and "Fischer Type S. Amp 35-20 Cycle 60 Volts 110-220 No. 25001"; (on X-ray head) "Type 6-TG-2 Eureka No. 1108 [or "1096]."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use; and, Section 502 (f) (2), the labeling failed to bear such adequate warnings against unsafe dosage and methods and duration of administration and application, in such manner and form as are necessary for the protection of users.

Further misbranding, Section 502 (a), the following statements in the circulars accompanying the Minnesota device were false and misleading since the use of X-ray for removal of hair is not safe and may result in irreparable damage to the skin: "The Keat method of removing superfluous hair is not only * * * harmless, but it is * * * safest method known to science * * *. There is no case on record of the slightest injury ever having resulted from the treatment. The skin is left clean, clear, and unblemished as nature intended it to be and remains so forever afterward."

DISPOSITION: The Keat Salon of Minneapolis and Keat Salon, Inc., of St. Louis, appeared as claimants in the respective actions and filed answers denying that the devices were misbranded. Thereafter, upon application of the claimants, the actions were removed and consolidated for trial in the Northern District of Indiana.

On April 6, 1950, the claimants having withdrawn their claims and answers, judgments of forfeiture were entered and the court ordered that the devices be delivered to a United States Government Hospital, on condition that the devices be recalibrated and modified in accordance with the directions and suggestions of the Federal Security Agency.

✓ **DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

✓ **2994. Adulteration of Geo-Mineral. U. S. v. 89 Bottles * * * (and 18 other seizure actions).** (F. D. C. Nos. 27062, 27063, 27071, 27074, 27089, 27097, 27120 to 27122, incl., 27128, 27130, 27202, 27203, 27231, 27241, 27263, 27318, 27383, 27392. Sample Nos. 5234-K, 5235-K, 5764-K, 19334-K, 19852-K, 19853-K, 25692-K, 25852-K, 25853-K, 29274-K, 29275-K, 36730-K, 36732-K, 36734-K, 41045-K, 41063-K, 41920-K, 449185-K, 449186-K, 51655-K, 58024-K, 58029-K.)

LIBELS FILED: Between April 26 and June 17, 1949, District of Minnesota, Northern District of Ohio, Middle District of Tennessee, Northern District of Illinois, Southern District of Iowa, District of Colorado, District of Oregon, District of Montana, District of Maine, District of Arizona, and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of October 28, 1948, and April 21, 1949, by Vi-Jon Laboratories, Inc., from St. Louis, Mo.

PRODUCT: 7,767 3-ounce bottles of *Geo-Mineral* at Minneapolis and St. Paul, Minn., Cleveland and Lima, Ohio, Nashville, Tenn., Chicago, Ill., Des Moines, Iowa, Denver and Pueblo, Colo., Portland and Medford, Oreg., Butte and Missoula, Mont., Portland, Maine, Phoenix, Ariz., and Boston, Mass. Examination showed that the product was a water solution of ferric sulfate and was contaminated with mold.

LABEL, IN PART: "Geo-Mineral * * * Sole Distributor Geo-Mineral Company, St. Louis 1, Mo."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of mold.